UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA OCALA DIVISION

STRIKE 3 HOLDINGS, LLC, a limited liability company

Plaintiff,

v. Case No: 5:22-cv-145-JA-PRL

JOHN DOE SUBSCRIBER ASSIGNED IP ADDRESS 205.204.18.103,

Defendant.		

ORDER

Plaintiff, Strike 3 Holdings, LLC, is the alleged owner of copyrights for several adult videos upon which Defendant allegedly infringed. Strike 3 Holdings now seeks leave to serve a third-party subpoena on Defendant's internet service provider Summit Broadband, prior to conducting the Rule 26(f) conference, in order to ascertain the actual identity of the Defendant from the IP address. (Doc. 8).

A court has broad discretion in managing discovery. *Klay v. All Defendants*, 425 F.3d 977, 982 (11th Cir. 2005). A court may permit a party to conduct discovery before a Rule 26(f) conference. Fed. R. Civ. P. 26(d)(1). Courts usually require a showing of good cause for early discovery. *See TracFone Wireless, Inc. v. Holden Prop. Servs., LLC*, 299 F.R.D. 692, 694 (S.D. Fla. 2014); *Digital Sin, Inc. v. Does 1-176*, 279 F.R.D. 239, 241 (S.D.N.Y. 2012); *Dorrah v. United States*, 282 F.R.D. 442, 445 (N.D. Iowa 2012).

Here, Plaintiff has established good cause for early discovery: it has sufficiently alleged infringement, it does not have another way to discover the alleged infringer's identity to

proceed with the litigation; and ISPs rarely maintain the information for long. The Court

therefore GRANTS Plaintiff's motion (Doc. 8) as follows:

(1) Plaintiff may serve on Summit Broadband a Federal Rule of Civil Procedure 45

subpoena commanding the name, address, email address, and telephone number of the

subscriber of the identified IP address. The subpoena must attach the complaint and this

order.

(2) Plaintiff may use the subscriber's information only to protect and enforce its rights

set forth in the complaint.

(3) If Summit Broadband is a "cable operator" under 47 U.S.C. § 522(5), it must

comply with 47 U.S.C. § 551(c)(2), which permits a cable operator to disclose personal

identifying information if the disclosure is "made pursuant to a court order authorizing such

disclosure, if the subscriber is notified of such order by the person to whom the order is

directed," by sending a copy of this order to the defendant.

DONE and **ORDERED** in Ocala, Florida on April 5, 2022.

PHILIP R. LAMMENS

United States Magistrate Judge

Copies furnished to:

Counsel of Record

Unrepresented Parties